

**MINUTES OF A REGULAR COUNCIL MEETING**  
**March 21, 2022 – 7:30p.m.**

Council of the City of Berea, Ohio, met in regular session in the Council Chamber on March 21, 2022 and the meeting was called to order by President of Council Jim Maxwell at 7:32p.m. Present: Mary K. Brown, Erika Coble, Leon Dozier, Chris McManis, Rick Skoczen, Lisa Weaver and Gene Zacharyasz. Also present via Zoom: Mayor Cyril M. Kleem, Director of Public Works Tony Armagno, Director of Law and Public Safety Barb Jones and Director of Finance Andrea Morris.

The Pledge of Allegiance followed.

This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. The certificate of compliance is on file in the Clerk's office.

Moved by Mr. Skoczen, seconded by Mrs. Brown, that the amended minutes from the March 7, 2022 Regular Council Meeting be approved. Vote on the motion was all ayes and no nays. The motion carried.

**MAYOR'S ADMINISTRATIVE REPORT AND COMMENTS**

Mayor Kleem had no report.

**REPORT AND COMMENTS BY THE OFFICERS OF THE ADMINISTRATION:**

**Andrea Morris – Director of Finance:**

Mrs. Morris had no report.

**Barb Jones – Director of Law & Public Safety:**

Mrs. Jones had no report.

**Tony Armagno – Director of Public Service:**

Mr. Armagno announced that bridge demolition project has begun and Valley Parkway will likely be closed for the next 3 weeks.

In response to a question from Mr. McManis, Mr. Armagno explained that there is no finalized list for the annual road program yet, but one will be forthcoming with the bids and contracts legislation. Mr. McManis asked if the Administration is accepting input from Council, or if they will rely more on the recent road condition study, and Mr. Armagno stated that input is not being solicited, but if Council Members have suggestions, they may certainly forward them his way.

Mr. Skoczen inquired about the Strongsville jail rental, and Mrs. Jones stated that the City only pays for space used.

In response to a question from Mr. Skoczen, Mr. Armagno stated that the repairs at the pool will include the replacement of the security doors, which will be equipped with a self-locking timer, as well as plumbing and other repairs, all necessary due to vandalism. The amount Mr. Skoczen referenced on the Board of Control list is, therefore, not the total expense of all repairs.

Mr. Skoczen inquired about field renovations at Dora Lee, Jason Malone, and Parknoll, and Mr. Armagno stated that he thinks dirt is simply being added to the fields, as a touch-up, but suggested he contact Mr. Compton to be certain.

Mrs. Brown informed Mr. Armagno that there is a lot of shattered glass in the street at Front and Center, and Mr. Armagno stated that the Service crews will address it as quickly as possible.

### **Marty Compton – Director of Recreation:**

Mr. Compton was not present.

**COMMENDATIONS:**           **NONE**

**PETITIONS:**                   **NONE**

### **AUDIENCE PARTICIPATION:**

Marty Lott expressed concern about the house next to his Mom at 138 The Mall. He stated that the house has been fully gutted, but has since remained untouched for 2 to 3 years. He wondered at what point the City will get involved, especially since racoons have been living inside. Mr. Maxwell stated that while there is no law that the house must be occupied, there are exterior maintenance laws that can be looked at and, if necessary, enforced.

Eydie Lott inquired about a property on which water bills and taxes have not been paid. Mr. Maxwell explained that, once a year, Council is provided legislation to assess unpaid water and sewer fees to the tax duplicate. With regard to property taxes, Mrs. Jones stated that the County determines what houses they take foreclosure action against, but suggested Mrs. Lott reach out to the County Fiscal Office.

Honestor Davidson stated that he has watched the North End Sewer Committee Meetings, and has questions to ask, but no venue in which to ask them. Mr. Maxwell suggested either texting or emailing his questions to a committee member, so that he is able to get a response.

### **COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS:**

#### **Finance Committee – Rick Skoczen, Chair**

Mr. Skoczen stated that the Finance Committee did meet to discuss the budget last week, and he reached out to Mrs. Morris with a couple additional points of clarification, which will be addressed this evening.

**LEGISLATION – THIRD READING:**

**ORDINANCE NO. 2-2: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH JOYCE MANUFACTURING CO. AND RAM REAL ESTATE, LLC., AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mr. Skoczen, seconded by Mr. McManis, that Ordinance No. 2-2 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 2-3: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mrs. Brown, seconded by Mr. Zacharyasz, that Ordinance No. 2-3 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 2-4: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND A CONTRACT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO EXTEND THE TERM OF THE CONTRACT TO PROVIDE CERTAIN SERVICES RELATIVE TO THE CITY SEWERS, AS DETERMINED FROM TIME-TO-TIME, TO FURTHER ADVANCE THE CITY'S SANITARY AND STORM SEWER MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Moved by Mrs. Brown, seconded by Mr. Dozier, that Ordinance No. 2-4 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Moved by Mrs. Brown, seconded by Mrs. Weaver, that the order of the agenda be amended so that Ordinance No. 2-6 is considered before Ordinance No. 2-5. Vote on the motion was all ayes and no nays. The motion carried.

**ORDINANCE NO. 2-6: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CENTURY HOME GARDEN DISTRICT HOMEOWNERS' ASSOCIATION FOR THE PURPOSE OF INCLUDING 106 JACOB STREET (PERMANENT PARCEL NO. 364-06-022), IN THE CENTURY HOME GARDEN DISTRICT, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance. Mrs. Coble recused herself from the discussion.

Robert Shurell stated that he appreciates what the City is doing to help his neighborhood, adding that the HOA will become the backbone of said neighborhood and he thinks it is great that the City would choose to make its property a part of it prior to sale.

Lynn Taliak stated that while her neighborhood was once homey and historic, the condition of it has been slipping, but the Police Department has been a true asset and recent City efforts are very appreciated.

Marlene Shurell thanked Mayor Kleem and Council for their support, adding that the recently formed HOA is growing and they will not stop working to maintain a gorgeous neighborhood. She noted that the HOA will be working with the University to see if, over time, some houses owned by Baldwin Wallace could be turned over and become owner occupied.

General discussion commenced concerning the boundaries of the HOA and other distressed neighborhoods in the area.

Mayor Kleem thanked the residents in this neighborhood for initiating meetings and conversations about the HOA and the rehabilitation of the formerly DeGeronimo-owned properties that the City acquired. While there was not always agreement, everyone worked to reach consensus, and he acknowledged the work that has been done by Dr. Taliak and Lynn Taliak, Mrs. Coble, both before and after being elected to Council, Matt Madzy and Jim Brown.

Mrs. Weaver added that the way the neighborhood has pulled together is truly commendable, and Mrs. Shurell said they are happy to do it and noted that the entire HOA is supportive of 106 Jacob Street being added to the HOA.

Moved by Mrs. Brown, seconded by Mr. McManis, that Ordinance No. 2-6 be amended by the removing the 4<sup>th</sup> Whereas Clause. Vote on the motion was ayes: Brown, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

Moved by Mrs. Brown, seconded by Mr. McManis, that Ordinance No. 2-6 be adopted, as amended. Vote on the motion was ayes: Brown, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 2-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY, LOCATED AT 106 JACOB STREET, PERMANENT PARCEL NO. 364-06-022, A SINGLE-FAMILY HOME, WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE PERSON OR PERSONS OR ENTITY SUBMITTING THE HIGHEST AND BEST OFFER, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance, albeit a bit out of order. Mrs. Coble recused herself from the discussion.

Moved by Mrs. Brown, seconded by Mr. Dozier, that Ordinance No. 2-5 be adopted. Vote on the motion was ayes: Brown, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

**ORDINANCE NO. 2-7: AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENDITURES AND OTHER EXPENSES OF THE CITY OF BERA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND EXPRESSLY REPEALING ORDINANCE NO. 2021-77.**

The Clerk read the title of the Ordinance.

Mrs. Morris stated that the annual budget must be adopted by March 31, 2022, however it is a moving document, and thus necessary adjustments and amendments will be brought back to Council throughout the year. She added that there are different types of funds which include: governmental funds, business funds, fiduciary funds and special revenue funds.

Mrs. Morris identified the budget goals as having cash on hand for 3-6 months of expenditures, in the case of an extraordinary event, and paying cash for capital items under \$50,000, while looking for lease options or grant funding for purchases over that amount. She noted that the City does not budget out more than is expected in revenue for each fund, in order to maintain balanced accounts.

Mrs. Morris stated that one concern with regard to the budget is inflation, including the recent interest rate increase, as well as the potential of large income tax refunds for people who worked from home during the pandemic.

With regard to outstanding debt, Mrs. Morris explained that the City's Notes are being held by a bank and must be repaid on an annual basis. They must either be paid off in full, or paid down and rolled over. This year, the City has already paid down and rolled over a large Note, but will do so again later in the year, when it is rolled, along with the Browns Note, in to a long term bond. For accounting purposes, it appears that the City is paying double the amount, but it is simply the same Note being paid two times, with an interest savings of \$200,000. Mr. Maxwell clarified that, on paper, it looks like the City is paying it twice, but the City is actually taking money in too. Mrs. Morris added that this offset can be viewed on the expected revenues worksheet.

Mrs. Brown asked why the City did not roll the money in to a long term bond sooner, and Mrs. Morris responded that the interest rates on annual notes has been as low as .25%. Now the City is looking to roll the notes in to one long term bond, at a competitive interest rate.

General discussion commenced concerning the interest rate savings of \$200,000, and Mrs. Morris explained that this savings has already been realized on the 2013 bond, although it is uncertain how much interest the City will save on the final debt roll-over in September. She assured Council that every municipality has a bond counsel, an underwriter and a financial advisor, and they are monitoring the markets and assisting with debt issuances and other financial matters.

Mr. McManis inquired about the longest bond issuance, and Mrs. Morris stated that it depends on the type of asset, but it is likely at least 25 years. She added that once the debt is in a bond, the City will not need to be reviewed by Moody's, and thus maintain our Aa2 rating.

Mrs. Morris continued by explaining that the City has 4 different outstanding bonds: 2010 refunded bonds, 2013 various purpose bonds, 2015 various purpose bonds and 2016 refunded bonds.

Mrs. Coble stated that a resident sent her a couple questions, the first being how much debt the City has paid off in the last 2 years. Mrs. Morris stated that the City pays down, at minimum, \$1,000,000 in debt each year. Mrs. Coble next asked if the bonds can be paid off early, and Mrs. Morris responded that they can, after the callable date. Mrs. Coble then inquired as to what percentage of the budget is used for payroll, and Mrs. Morris stated that it is the largest expenditure, and probably 75%-80% of the total budget.

Mr. McManis wondered why brokerages weren't interested in the City's debt last year, and Mrs. Morris responded that large investment firms watch the market and determine where they have a need to fill. Their disinterest was more about their portfolio and less about Berea.

Mr. Skoczen emphasized that the budget is fluid, and Council has the ability to reappropriate funds based on projects and/or unforeseen circumstances.

Daune Jaynes inquired about the \$650,000 earmarked for North End I & I Improvements, and Mr. Maxwell replied that it accounts for money for the "second drain", as well as money that Mayor Kleem has committed to with regard to projects in the neighborhood. Mrs. Jaynes asked when the funds will begin being used, and Mr. Maxwell responded that the relief sewer work will not begin until the City knows whether or not grant funding has been received. If not received, the City may opt to look elsewhere for funding. Money has, however, been being appropriated since the 1<sup>st</sup> of the year, and is being spent, as required.

Moved by Mr. Skoczen, seconded by Mr. Dozier, that Ordinance No. 2-7 be adopted. Vote on the motion was ayes: Brown, Coble, Dozier, McManis, Skoczen, Weaver and Zacharyasz. Nays: None. The motion carried.

#### **LEGISLATION – SECOND READING:**

#### **ORDINANCE NO. 3-1: AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF BEREA, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Ordinance No. 3-1 stands on second reading.

#### **ORDINANCE NO. 3-2: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RENEW AN AGREEMENT WITH CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT TO PROVIDE TECHNICAL ASSISTANCE IN IMPLEMENTING SOIL AND WATER CONSERVATION MEASURES, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Ordinance No. 3-2 stands on second reading.

**ORDINANCE NO. 3-3: AN ORDINANCE AMENDING SECTION 311.13, WATER RATES, OF CHAPTER 311, WATER, IN TITLE THREE, PUBLIC UTILITIES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND AMENDING SECTION 1311.06, NON-RESIDENTIAL ALTERATION, RENOVATIONS AND MISCELLANEOUS BUILDING PERMIT FEES, OF CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA AND AMENDING SECTION 1312.04, RESIDENTIAL BUILDING PERMITS, OF CHAPTER 1312, RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO INCLUDE BULK WATER INFORMATION AND TO PROVIDE CONSISTENCY ACROSS SECTIONS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Ordinance No. 3-3 stands on second reading.

**ORDINANCE NO. 3-4: AN ORDINANCE AMENDING SECTION 311.15(b), METERS AND SERVICES TAPS; RATES, OF CHAPTER 311, WATER, IN TITLE THREE, PUBLIC UTILITIES, OF PART THREE, STREETS, UTILITIES AND PUBLIC SERVICES CODE, AND AMENDING SECTION 1311.08, NON-RESIDENTIAL MISCELLANEOUS PLUMBING PERMIT FEES, OF CHAPTER 1311, NON-RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA AND AMENDING 1312.07, RESIDENTIAL PLUMBING PERMITS, OF CHAPTER 1312, RESIDENTIAL CONSTRUCTION AND INSPECTION FEE SCHEDULE, OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BERA TO INCLUDE ALL SECTIONS IN CHAPTERS 1311 AND 1312 THAT CONTAIN WATER METERS AND SERVICE TAPS AND PROVIDE CONSISTENCY ACROSS SECTIONS, AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

In response to a question from Mrs. Coble, Mr. Armagno explained that this Ordinance is intended to recapture the rising costs of materials and equipment, as well as to recover the costs of the meters themselves. There is no intention to make a profit.

Ordinance No. 3-4 stands on second reading.

**ORDINANCE NO. 3-5: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH NHG PROPERTIES, LLC. AND HANEY LANDSCAPING, LLC., AND DECLARING AN EMERGENCY.**

The Clerk read the title of the Ordinance.

Mrs. Jones stated that Haney Landscaping intends to construct a new, 9,700 square foot, building on Berea Industrial Parkway. While the business currently has 4 full time positions, an additional 5 will be created within 36 months of final occupancy, and the annual payroll will be approximately \$500,000. The project will cost approximately \$960,000.

Richard Gareau was present to speak on behalf of the application.

Mrs. Weaver stated that while she is supportive of the abatement, she is concerned if there is any conflict of interest since Mr. Haney does work for the City. Mrs. Jones replied that so long as certain qualifications are met, and the same tax abatement opportunity is available to every other business in the City, there is no ethical violation or legal conflict.

Mr. Maxwell noted that Mr. Gareau's company, Midwest Transatlantic, is a financial supporter of many things in Berea, and it is Haney Landscaping that contracts with the City.

Mayor Kleem took this opportunity to publicly thank Mr. Gareau, a long time Berea resident and business owner, adding that he is the type of business owner anyone would want in their community. He is honest, dependable, works well with everyone and is extremely generous, and regardless what happens with this abatement, Mayor Kleem stated that he wants to extend his appreciation to Mr. Gareau for all he has invested in this community. Mr. Maxwell concurred.

Proposed Ordinance No. 3-5 stands on first reading.

#### **REPORT AND COMMENTS BY THE PRESIDENT OF COUNCIL**

Mr. Maxwell had no report.

#### **REPORTS AND COMMENTS BY THE MEMBERS OF COUNCIL**

Mr. Skoczen had no report.

Mrs. Weaver had no report.

Mr. Zacharyasz had no report.

Mrs. Brown asked that the clock in the Chamber be addressed, thanked the residents in the audience for attending meetings and making things happen, expressed her appreciation to Mrs. Morris and Andy Palcheff for a thorough explanation of the budget, complimented the new Council Members on their insightful questions, encouraged further checks and balances with regard to the Board of Control lists, and asked everyone to watch for kids playing outside as it is the first day of Spring.

Mrs. Coble thank Mayor Kleem, Jim Brown and Matt Madzy for their work and support with regard to the house at 106 Jacob Street.

Mr. Dozier stated that a resident has expressed frustration with the fact that Zoning Code Section 309.19 is not being enforced, and asked if anyone on Council has an interest in re-examining this Section of the Code for relevance and, possibly, amending it so that is enforceable.

Mr. Skoczen stated that he thinks Council should pick apart a couple Ordinances or Zoning Code Sections every year, in order to ensure that City laws are relevant, enforceable, and to add some more teeth, where necessary.



Mr. Maxwell suggested that Council be brought up to speed on the situation in Mr. Dozier's Ward and then make a determination as to whether the issue should be addressed in Committee, during a Work Session, or in some other fashion.

Mr. McManis had no report.

### **CORRESPONDENCE**

The March 3, 2022 – March 16, 2022 Correspondence is available in the Clerk's office.

### **OTHER BUSINESS:**

Mrs. Esson reminded everyone to file their Financial Disclosure statements.

There being no further business before Council, it was moved by Mrs. Brown, and seconded by Mr. McManis, that the Regular Council Meeting be adjourned. Vote on the motion was all ayes and no nays. The motion passed and President Maxwell declared the meeting adjourned at 9:13p.m.

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Jim Maxwell  
President of Council

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Alycia Esson  
Clerk of Council

### **CERTIFICATE OF COMPLIANCE**

The regular meeting of Council of the City of Berea, Ohio, held on the 21<sup>st</sup> day of March, 2022, was conducted in compliance with Codified Ordinances Section 109 and Ohio Revised Code Section 121.22.

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Alycia Esson  
Clerk of Council